

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

-v-

JEREMY E. LEWIS,

Defendant.

**Case No. 3:08-cr-175
also 3:11-cv-299**

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

ENTRY AND ORDER OVERRULING LEWIS'S OBJECTIONS (Doc. #142) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS REGARDING LEWIS'S MOTION FOR A CERTIFICATE OF APPEALABILITY REGARDING HIS RULE 60(b) MOTION TO VACATE THE COURT'S JUDGMENT DISMISSING HIS §2255 MOTION; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #141) IN ITS ENTIRETY; DENYING LEWIS A CERTIFICATE OF APPEALABILITY AND CERTIFYING THAT LEWIS'S APPEAL OF THE COURT'S RULING ON HIS RULE 60(b) MOTION TO VACATE THE COURT'S JUDGMENT DISMISSING HIS §2255 MOTION IS OBJECTIVELY FRIVOLOUS

This matter comes before the Court pursuant to pro se Defendant Jeremy E. Lewis's ("Lewis's") Objections (doc. #142) to Magistrate Judge Michael R. Merz's Report and Recommendations (doc. #141) regarding Lewis's Motion for a Certificate of Appealability regarding his Rule 60(b) Motion To Vacate the Court's Judgment dismissing his §2255 Motion. The time has run and Plaintiff United States of America has not responded. Thus, Lewis's Objections are ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Lewis's Objections to the Magistrate Judge's Report and Recommendations regarding

Lewis's Motion for a Certificate of Appealability regarding his Rule 60(b) Motion To Vacate the Court's Judgment dismissing his §2255 Motion are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Lewis is denied a Certificate of Appealability. Further, Lewis's appeal of the denial of his Rule 60(b) Motion To Vacate the Court's judgment dismissing his §2255 Motion is objectively frivolous.

DONE and **ORDERED** in Dayton, Ohio, this Tenth Day of February, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Jeremy E. Lewis at his last address of record